(ಶ್ರೀ ಎಸ್. ಶಿವಪ್ಪ)

ದವರ ಹಣದ ನೆರವಿನಿಂದ ಎಲ್ಲಾ ಪ್ರಾಜೆಕ್ಟ್‌ಗಳನ್ನೂ ಆ ಅವಧಿಯಲ್ಲಿ ಮುಗಿಸುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡತಕ್ಕದು ಪ್ರಾಮುಖ್ಯವಲ್ಲವೇ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಹೌದು.

ಶ್ರೀ ಅಂಡಾನಯ್ಯ.—ಈ ಮಾನ್ಯ ಸಭೆಯಲ್ಲಿ ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರವನ್ನು ಕೊಡುತ್ತಾ, ಮತ್ತು ನಿರ್ಣಯಗಳಿಗೆ ಉತ್ತರವನ್ನು ಕೊಡುತ್ತಾ ಆ 18 ಪ್ರಾಜೆಕ್ಟುಗಳಿಗೂ 50 ಕೋಟಿ ರೂಪಾಯಿಗಳು ಖರ್ಚಾಗುತ್ತದೆ ಎಂದು ತಾವು ಹೇಳಿದ್ದೀರಿ. ಅಷ್ಟು ಕಡಿಮೆ ಹಣವನ್ನು ಖರ್ಚು ಮಾಡಿ ಆ ಪ್ರಾಜೆಕ್ಟ್‌ಗಳನ್ನು ಕಟ್ಟುವುದರಿಂದ ಜನತೆಗೆ ಹೆಚ್ಚಿನ ಸೌಲಭ್ಯ ದೊರೆಯುತ್ತದೆ. ಆದ್ದರಿಂದ ಆದಷ್ಟು ಬೇಗ ಅವುಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಏತಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡಬಾರದು?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಮಾನ್ಯ ಸದಸ್ಯರು ಬಹಳ ಬುದ್ಧಿವಂತಿಕೆಯಿಂದ ಮಾತನಾಡುತ್ತಿದ್ದಾರೆ. 50 ಕೋಟಿ ರೂಪಾಯಿಗಳು ಕಡಿಮೆ ಹಣವೇನೂ ಅಲ್ಲ, ದೊಡ್ಡದು. ಆದರೂ ಅಧನು ಮಾಡುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡುತ್ತೇವೆ.

Mr. SPEAKER.—Questions are over. There are three questions, two in the name of the Hon'ble Minister for Education and one in the name of the Minister of Health. These are Question No. 151 of Mr. Andaniah, No. 167 of Smt. B. L. Subbamma, and No. 181 of Sri Rudrappa; these will be held over. Now, we go to the Bill—Mysore Agricultural Debtors' Relief Bill.

MYSORE AGRICULTURAL DEBTORS RELIEF BILL, 1962

(As Reported by the Joint Select Committee.)

Motion to consider.—(Contd.)

4-00 P. M.

ಶ್ರೀ ಹೆಚ್. ಆರ್. ಕೇಶವ ಮೂರ್ತಿ.—ಸ್ವಾಮೀ ಕ್ಲಾಜು 23 ರಲ್ಲಿ.

Power of Court to declare transfer purporting to be a sale to be in the nature of mortgage... ಎಂದಿದೆ. ಇದರಲ್ಲಿರುವಂತೆ ಯಾರಾದರೂ ಒಬ್ಬ ಲೇಬರರ್ 30 ವರ್ಷಗಳ ಹಿಂದೆ ಒಂದು ಭೂಮಿ ನನ್ನದಾಗಿತ್ತು ಎಂದು ಒಂದು ಅರ್ಜಿಯನ್ನು ಹಾಕಿ ಬಿಟ್ಟರೆ ಅಂತಹವನಿಗೆ ಜಮೀನು ಕೊಡಬೇಕಾಗುತ್ತದೆ ಎಂದಿದೆ. ಇದರಿಂದೇನಾಗುತ್ತದೆಂದರೆ ಇಲ್ಲದ ಸಲ್ಲದ ಲಿಟಿಗೇಷನ್ನುಗಳಿಗೆ ಕಾರಣವಾಗುತ್ತದೆ. ಇದರಿಂದ ಸಾಮಾನ್ಯ ಜನಕ್ಕೇನೂ ಪ್ರಯೋಜನವಾಗುವುದಿಲ್ಲ, ಲಾಯರುಗಳಿಗೆ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಇಂತಹ ಕಾನೂನುಗಳನ್ನು ತರುವುದು ಸರಿಯಲ್ಲ. ಇದನ್ನು ತಂದರೆ ಇದ್ದ ಅನುಕೂಲಗಳೂ ತೊಡೆದುಹೋಗುತ್ತವೆ.

ಇನ್ನು ಅಲೀನೇಷನ್ ಆಫ್ ಲೋನ್ಸ್ ಎಂದು ಏನು ಇದರಲ್ಲಿ ಮಾಡಿದ್ದಾರೆ ಇದರಲ್ಲಿರುವಂತೆ ಡೆಫನಿಷನ್ನು ನೋಡುವಾಗ ಇಂಡಿವಿಜುಯಲ್‌ಸಿಗೇ ಬೇರೆ ರೀತಿ ಮತ್ತು ಜಾಯಿಂಟು ಫ್ಯಾಮಿಲಿ ಇದ್ದರೆ ಅವರಿಗೇ ಒಂದು ರೀತಿಯಾಗಿ ಸಾಲ ಕೊಡುತ್ತಾರೆ. ಇಂಡಿವಿಜುಯಲ್‌ಗಳಿಗೆ 5,000 ರೂಪಾಯಿನಷ್ಟು ಸಾಲ ಕೊಟ್ಟರೆ ಜಾಯಿಂಟು ಫ್ಯಾಮಿಲಿಯವರಿಗೆ 10,000 ರೂಪಾಯಿನಷ್ಟು ಸಾಲ ಕೊಡುತ್ತಾರೆ. ಇಷ್ಟು ಕಡಿಮೆ ಮಿತಿಯನ್ನು ಮಾಡುವುದು ಸರಿಯಾಗಿರುವುದಿಲ್ಲ. ಅಲ್ಲದೆ ಸಾಲ ಇಂಡಿವಿಜುಯಲ್ಸ್ ಕೊಡುವುದಕ್ಕಿಂತ ಜಾಯಿಂಟು ಫ್ಯಾಮಿಲಿ ವರ್ಗಕ್ಕೆ ಹೆಚ್ಚು ಮಾಡಬೇಕು. ಎಂದರೆ ಒಬ್ಬ ಇಂಡಿವಿಜುಯಲ್‌ಗೆ ಸುಮಾರು 20,000 ರಷ್ಟು ಎಂದು ಸಾಲ ಕೊಟ್ಟರೆ ಜಾಯಿಂಟು ಫ್ಯಾಮಿಲಿಯವರಿಗೆ ಸುಮಾರು 30,000 ದಷ್ಟಾದರೂ ಸಾಲ ಕೊಡಬೇಕೆಂದು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ.

ಇನ್ನು 31 ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಆಸ್ಪ್ಯುಯಲ್ ಇನ್‌ಸ್ಟಾಲ್‌ಮೆಂಟು ವಸೂಲಿ ಬಗ್ಗೆ ಹನ್ನೆರಡು ಎಂದು ಮಾಡಿರುವುದು ಬಹಳ ಕಡಿಮೆ. ಇದನ್ನು 15 ಇನ್‌ಸ್ಟಾಲ್‌ಮೆಂಟು ಎಂದು ಮಾಡುವುದು

ಸರಿಯಾಗಿರುತ್ತದೆ. ಸರಕಾರದಿಂದ ಸಾಲ ತೆಗೆದುಕೊಂಡರೆ ಅದಕ್ಕೇ 25-30 ಇನ್‌ಸ್ಟಾಲ್‌ಮೆಂಟುಗಳು ಎಂದು ಕೊಡುತ್ತಾರೆ. ಹೀಗಿರುವಾಗ 12 ಇನ್‌ಸ್ಟಾಲ್‌ಮೆಂಟು ಮಾಡಿರುವುದನ್ನು 15 ಇನ್‌ಸ್ಟಾಲ್‌ಮೆಂಟು ಎಂದು ಏರಿಸಬೇಕೆಂದು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ.

ಆಮೇಲೆ ನಮಗೆ ಒದಗಿಸಿರುವ ಇಂಗ್ಲಿಷ್ ಕಾಪಿ ಬಿಲ್ಲಿಗೂ ಕನ್ನಡದಲ್ಲಿ ತರ್ಜುಮೆ ಮಾಡಿರುವ ಬಿಲ್ಲಿಗೂ ಹೋಲಿಸಿ ನೋಡಿದರೆ ಒಂದಕ್ಕೊಂದು ಬಹಳ ವ್ಯತ್ಯಾಸ ಕಾಣುತ್ತದೆ. ಕನ್ನಡದಲ್ಲಿರುವ ಬಿಲ್ಲಿನ 4 ನೇ ಪುಟದಲ್ಲಿ,

"ವ್ಯವಸಾಯದಿಂದಲ್ಲದೆ ಹಾಗೂ ಹಸ್ತಶ್ರಮದಿಂದಲ್ಲದೆ (ದೇಹದ ದುಡಿಮೆ ಯಿಂದಲ್ಲದೆ) ಇತರ ಮೂಲಗಳಿಂದ ಬರುವ ಯಾವನ ವಾರ್ಷಿಕ ಆದಾಯವು ಅವನ ಒಟ್ಟು ಆದಾಯದ ಮೂರನೆಯ ಒಂದು ಭಾಗ ಅಥವಾ ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೆ ಇವೆರಡರಲ್ಲಿ ಯಾವುದು ಹೆಚ್ಚಿಗಿರುವುದೋ, ಅದಕ್ಕೆ ಮೀರುವುದಿಲ್ಲವೋ ಮತ್ತು ಎಲ್ಲ ಮೂಲಗಳಿಂದ ಬರುವ ಯಾವನ ಒಟ್ಟು ವಾರ್ಷಿಕ ಆದಾಯವು ಐದು ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗೆ ಮೀರುವುದಿಲ್ಲವೋ.............."

ಎಂದಿದೆ. ಆದರೆ ಇಂಗ್ಲಿಷಿನಲ್ಲಿರುವ ಬಿಲ್ಲಿನಲ್ಲೇ ಒಂದು ರೀತಿಯಾಗಿದೆ. ಇದನ್ನು ಸರಿಯಾಗಿ ಭಾಷಾಂತರ ಮಾಡುವಾಗ ಮಾಡಿಲ್ಲ ಎಂದು ತೋರುತ್ತೆ. ಯಾವುದನ್ನು ಇದರಲ್ಲಿ ಸರಿ ಎಂದು ತಿಳಿದುಕೊಳ್ಳಬೇಕು? ಕನ್ನಡದಲ್ಲಿರುವುದು ಸರಿಯೇ, ಇಲ್ಲ ಇಂಗ್ಲಿಷಿನಲ್ಲಿರುವುದು ಸರಿಯೇ. ಇದನ್ನು ಸರಕಾರ ಗಮನ ಕೊಡಬೇಕು. ಅದೇ ರೀತಿಯಾಗಿ ಪುಟ 22 ರಲ್ಲಿ ಕೂಡ ನೋಡಿದರೆ ಒಂದರಲ್ಲಿ 1931 ನೇ ಇಸವಿ ಇದೆ. ಇಂಗ್ಲಿಷಿನಲ್ಲಿ 1941 ನೇ ಇಸವಿ ಎಂದಿದೆ. ಹೀಗೆ ಡೇಟುಗಳಲ್ಲಿ ಒಂದಕ್ಕೊಂದು ವ್ಯತ್ಯಾಸವಿದೆ. ಇದರಲ್ಲಿ ಕನ್ನಡದಲ್ಲಿರುವುದು ಸರಿಯೇ, ಇಲ್ಲ ಇಂಗ್ಲಿಷಿನಲ್ಲಿರುವುದು ಸರಿಯೇ ಎನ್ನುವುದನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಇಲ್ಲಿ ಹೇಳಬೇಕೆಂದು ಕೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಕೆ. ಪಟ್ಟಸ್ವಾಮಿ.—ಇಂಗ್ಲಿಷಿನಲ್ಲಿರುವುದೇ ಸರಿ ಎಂದು ತಿಳಿಯಬೇಕು.

ಶ್ರೀ ಹೆಚ್. ಆರ್. ಕೇಶವ ಮೂರ್ತಿ.—ಬಡವರಿಗೆ ಸಾಲ ಕೊಡುವಾಗ ಇದರಲ್ಲಿ ಸಾಕಷ್ಟು ಅನುಕೂಲಗಳನ್ನು ಮಾಡಿಲ್ಲ. ಇದರಲ್ಲಿ endless litigations ಗೆ ಅವಕಾಶವಾಗುತ್ತದೆ. ಅಲ್ಲದೆ ಈ ಬಿಲ್ಲಿನ ಪರಿಣಾಮ ಹೇಗಾಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ನೋಡಲು ಮೊದಲು ಒಂದೆರಡು ತಾಲ್ಲೂಕುಗಳಲ್ಲಿ ಪ್ರಾಯೋಗಿಕವಾಗಿ ನೋಡಿ ಅದರಿಂದ ಅನುಕೂಲವಾಗುತ್ತದೆಯೋ ಇಲ್ಲವೇ ಎನ್ನುವುದನ್ನು ತಿಳಿದು ಬಿಲ್ಲು ತಂದಿದ್ದರೆ ಅನುಕೂಲವಾಗುತ್ತಿತ್ತು. ಅದಕ್ಕಾಗಿ ನಾನು ಸಲಹೆ ಮಾಡುವುದು ಈ ಬಿಲ್ಲನ್ನು ಸ್ವಲ್ಪ ಕಾಲ ಮುಂದೂಡಿ ತಂದಿದ್ದರೆ ಚೆನ್ನಾಗಿರುತ್ತಿತ್ತು ಎಂದು. ಇಷ್ಟು ಹೇಳಿ ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

† ಶ್ರೀ ವಿ. ಎಂ. ದೇವ್.—ಸ್ವಾಮೀ, ಈ ಬಿಲ್ಲಿನಲ್ಲಿ 9 ನೇ ಪುಟದಲ್ಲಿ ಹೀಗಿದೆ:

"Whereas it is expedient to consolidate and amend the law for the relief of agricultural debtors in the State of Mysore, etc., etc,........"

ಇದರ ಉದ್ದೇಶ ಎಷ್ಟುಮಟ್ಟಿಗೆ ಆಗಬಹುದು ಎನ್ನುವುದು ಇದರಲ್ಲಿ ಕೊಟ್ಟಿರುವ ಕ್ಲಾಜುಗಳಿಂದಲೇ ನಾವು ನೋಡಬಹುದು. ಇದರಲ್ಲಿರುವ ಕ್ಲಾಜು (3) ರಲ್ಲಿ ನೋಡಿದರೆ ಪುಟ 14 ರಲ್ಲಿ ಎಕ್ಸ್‌ಪ್ಲನೇಷನ್ನು ಹೀಗಿದೆ:

"For the purposes of this clause, the house which the creditor woman lives or any furniture thereon or her household utensils, wearing apparel, etc,............shall not be regarded property"

ಎಂದಿದೆ. ಇದರಲ್ಲಿ ವಿಡೋ ಆಗಲಿ ವಿಡೋಯರ್ ಆಗಲೀ ಇಬ್ಬರಿಗೂ ಅಗ್ರಿಕಲ್‌ಚರು ವಿಚಾರದಲ್ಲಿ ಸಮಾನವಾದ ಅವಕಾಶವಿರಬೇಕಾದುದು ಅವಶ್ಯಕ. ಉದಾಹರಣೆಯಾಗಿ ನಾನು ಒಂದು ವಿಚಾರ ಇಲ್ಲಿ ತಮಗೆ ತಿಳಿಸುತ್ತೇನೆ. ಈಗ್ಗೆ ಕೆಲವು ದಿನಗಳ ಹಿಂದೆ ಒಬ್ಬರು ವಯಸ್ಸಾದ ಗಂಡ ಹೆಂಡಿರು ಇಬ್ಬರೂ ಕೂಡ ನನ್ನ ಮನೆಗೆ ಬಂದಿದ್ದರು. ಅವರಿಗೆ ಒಬ್ಬನೇ ಒಬ್ಬ ಮಗ ಇದ್ದ. ಅವನು ಆಸ್ತಿಯನ್ನೆಲ್ಲಾ ಕಸಿದುಕೊಂಡು ಅವರ ತಂದೆ ತಾಯಿಗಳನ್ನು ಹೊರಕ್ಕೆ ಓಡಿಸಿಬಿಟ್ಟಿದ್ದ. ಅವರೇ ನನ್ನಲ್ಲಿಗೆ ಬಂದು ಈ ರೀತಿ ತೊಂದರೆಯಾಯಿತು ಎಂದು ಹೇಳಿದರು. ಹೀಗಿರುವಾಗ ಮದುವೆಯಾದವರು ಆಗಿದ್ದು ವಿಧುರನಾಗಿರಲಿ ಇಲ್ಲವೇ ಗಂಡ ಇಲ್ಲದ ವಿಧವೆಯಾಗಿರಲೀ ಇಬ್ಬರಿಗೂ ಸರಿಸಮಾನವಾದ ಅವಕಾಶವಿರಬೇಕು.

(ಶ್ರೀ ಪಿ. ಎಮ್. ದೇವ್)

ಇನ್ನೊಂದು ಪುಟ 27 ರಲ್ಲಿ 29 ನೇ ಕ್ಲಾಸಿನಲ್ಲಿ paying capacity ಬಗ್ಗೆ ಹೇಳುತ್ತಾ ಶೇಕಡಾ ಆರರಷ್ಟು ಇರಬೇಕೆಂದು ಇಲ್ಲಿ ನಿಗದಿ ಮಾಡಿದ್ದಾರೆ. ನಮ್ಮ ದೇಶದಲ್ಲಿ ಹೇಗೆ ನಡೆಯುತ್ತಿದೆ ಮತ್ತು ರಷ್ಯಾ ದೇಶದಲ್ಲಿ ಹೇಗೆ ನಡೆಯುತ್ತಿದೆ ಎನ್ನುವುದರ ಬಗ್ಗೆ ಸರಿಯಾದ ಪರಿಶೀಲನೆ ಮಾಡಿಲ್ಲ. ಇದರ ಬಗ್ಗೆ ಸರಿಯಾದ ಅಂಕಿ ಅಂಶಗಳನ್ನು ನೋಡಿ ಅದರ ಮೇಲೆ ಮಾಡಿಲ್ಲ ಎಂದು ನನಗೆ ತೋರುತ್ತದೆ. ಹೀಗೆ ಶೇಕಡಾ ಆರರಷ್ಟು ಎಂದು ಹಾಕುವುದು ಖಂಡಿತ ಸರಿಯಾದುದಲ್ಲ. ಇದನ್ನು ಸರಿಯಾಗಿ ಸರಕಾರದವರು ಕೂಲಂಕಷವಾಗಿ ವಿಚಾರ ಮಾಡಿದರೆ ಅವರಿಗೇ ಇದರ ತಪ್ಪು ಗೊತ್ತಾಗುತ್ತದೆ. ಇನ್ನು ಪುಟ 2, ಮತ್ತು 30 ರಲ್ಲಿ ಕ್ಲಾಜ್ 33 ರಲ್ಲ ರಲ್ಲಿ ಸಾಲ ತೀರ್ವಳಿಯನ್ನು ಹೇಗೆ ಮಾಡಬೇಕೆಂಬುದನ್ನು ತಿಳಿಸಿದ್ದಾರೆ. ಇದನ್ನು ನೋಡಿದರೆ ಸರ್ಕಾರದವರು ರೈತನಿಗೆ ಒಂದು ಸೌಲಭ್ಯ ದೊರಕಿಸಿಕೊಡತಕ್ಕ ನೆಪದಲ್ಲಿ ಆತನನ್ನು ಇನ್‌ಸಾಲ್ವೆನ್ಸಿಗೂ ಎಳೆಯುವುದಕ್ಕೆ ಒಂದು ದಾರಿಯನ್ನು ಮಾಡಿದಂತಾಗಿದೆ. ಇನ್ನು ಇನ್‌ಸಾಲ್ವೆನ್ಸಿಗೆ ಅರ್ಜಿಹಾಕತಕ್ಕ ಮನುಷ್ಯನಿಗೆ ಏನೇನು ಅರ್ಹತೆಗಳಿರಬೇಕೆಂಬ ವಿಷಯ ತಮಗೆಲ್ಲರಿಗೂ ಗೊತ್ತೇ ಇದೆ. ಅಂತೂ ಇಂತು ಸರ್ಕಾರದವರು ಈ ಒಂದು ಮೈಸೂರು ಅಗ್ರಿಕಲ್ಚರಲ್ ಡೆಟ್ ರಿಲೀಫ್ ಬಿಲ್ಲನ್ನು ತಂದು ರೈತರಿಗೆ ಇರತಕ್ಕ ಸಾಲವನ್ನು ಪಬ್ಲಿಕ್ ಫಂಡ್ಸಿನಿಂದ, ಆ ಲೇವಾದೇವಿಯನ್ನ ನಡೆಸಬೇಕೆಂಬ ಉದ್ದೇಶದಿಂದ ಹೀಗೆ ಮಾಡಿದ್ದಾರೆಂದು ತಿಳಿದು ಬರುತ್ತಿದೆ. ಹಿಂದೆ ಎಷ್ಟೋ ಸಂದರ್ಭಗಳಲ್ಲಿ ಸರ್ಕಾರದವರೇ ಸಾಲ ಕೊಡತಕ್ಕವರಿಗೆ ಪ್ರೈವೇಟ್ ಪಾರ್ಟಿಗಳಿಗೆ ಬಾಂಡುಗಳನ್ನು ಕೊಡುವುದರ ಮೂಲಕ ಸೆಕ್ಯೂರಿಟಿ ನಿಲ್ಲುತ್ತಿದ್ದರು. ಆದರೆ ಆಗಿದ್ದ ಕಾಲಕ್ಕೂ ಈ ಕಾಲಕ್ಕೂ ಸಂಬಂಧವಿಲ್ಲ. ಅಂತೂ ಇದನ್ನೆಲ್ಲಾ ನೋಡಿದರೆ ಏನೋ ಎಲ್ಲವೂ ಒಂದು ಅತಿರೇಕಕ್ಕೇ ಹೋಗುತ್ತಿದೆ. ನಮ್ಮ ದೇಶದಲ್ಲಿ ಪುರಾತನ ಕಾಲದಿಂದಲೂ ಸಾಲಮಾಡತಕ್ಕ ಪದ್ಧತಿ ಜಾರೀಲಿದೆ. ಅದರೆ ಎಲ್ಲೋ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾತ್ರ ಹಣ ಬರುತ್ತಿರಲಿಲ್ಲ. ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಸಾಲಕೇಳತಕ್ಕವನ ಆಸ್ತಿಯನ್ನು ಭೋಗ್ಯಮಾಡಿಸಿಕೊಂಡು ಸಾಲವನ್ನು ಕೊಡಲಾಗುತ್ತಿತ್ತು. ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಧಾರವಾಗಿದ್ದ ಜಮೀನನ್ನು ಉಳಿಮೆಮಾಡಿ ಅದರಿಂದ ಬಂದ ಫಾಯಿದೆ ಕೊಟ್ಟಿದ್ದ ಸಾಲಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿದ್ದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಆ ಆಸ್ತಿಯನ್ನು ಮುಫತ್ತಾಗಿ ಬಿಟ್ಟು ಕೊಟ್ಟಿದ್ದಾರೆ. ಅದರಂತೆ ಬೇಕಾದರೆ ಈಗಲೂ ಮಾಡಬಹುದು. ಹಿಂದೆ ಇದ್ದ ಕಾನೂನಿನಲ್ಲಿ ಇಂಥ ಒಂದು ಕ್ಲಾಜಿತ್ತು. ಆದರೆ ಈ ದಿವಸ ಪಬ್ಲಿಕ್ ಸೆಕ್ಟಾರಿನಲ್ಲಿರತಕ್ಕ ಹಣವನ್ನು ನುಂಗಿಹಾಕಲು ಈ ಮಸೂದೆಗೆ ಹೀಗೊಂದು ರೂಪವನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆಂದು ಹೇಳಬೇಕಾಗಿದೆ. ಆದರೆ ಕೊಡಬೇಕಾಗಿದ್ದ ಸಾಲದ ಹಣ ಇನ್ನೂ ತೀರದೆ ಇದ್ದಾಗ ಅದಕ್ಕೆ ಇನ್‌ಸಾಲ್ವೆನ್ಸಿ ಕೊಡಬೇಕೆಂದು ಹೇಳಿ ಹಣವಸೂಲಿಗೆ ಇರತಕ್ಕ ಮಾರ್ಗಗಳನ್ನು ತಪ್ಪಿಸುವುದು ಸರಿಯಲ್ಲ. ಆದ್ದರಿಂದ ಈ ಮಸೂದೆಯಲ್ಲಿರತಕ್ಕದ್ದೆಲ್ಲಾ ಅವಾಸ್ತವಿಕವಾದದ್ದು. ಇದರಿಂದ ಮುಂದೆ ದೇಶದಲ್ಲಿ ದೊಡ್ಡ ಆಘಾತವಾಗುತ್ತದೆ. ದೇಶದಲ್ಲಿ ಈ ದಿವಸ ವ್ಯವಸಾಯದಲ್ಲಿ ನಿರತರಾಗಿರತಕ್ಕವನು ರೈತನೊಬ್ಬನೇನೂ ಅಲ್ಲ. ಅಗ್ರಿಕಲ್ಚರ್ ಇಲಾಖೆ ಇದೆ. ಅನೇಕ ಅವರ ಸೀಡ್ ಫಾರಂಗಳಿವೆ. ಅವುಗಳನ್ನು ಕೈ ಬಿಟ್ಟಿದ್ದಾರೆ. ಆದರೆ ರೈತನೊಬ್ಬನನ್ನು ಇದಕ್ಕೆ ಮಾತ್ರ ಸಿಕ್ಕಿಸಿ ಆತನ ಸಾಲ ತೀರ್ವೆಗೆ ಪಬ್ಲಿಕ್ ಫಂಡನ್ನು ಉಪಯೋಗಿಸಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಇದು ಖಂಡಿತ ಸರಿಯಾದ್ದಲ್ಲ. ಇಷ್ಟೆಲ್ಲಾ ಹೇಳತಕ್ಕ ಸರ್ಕಾರದವರು ರೈತನ ಜಮೀನನ್ನು ಅವರೇ ಭೋಗ್ಯಮಾಡಿಸಿಕೊಂಡು ಏಕೆ ಹಣ ಕೊಡಬಾರದು ? ಆದರೆ ಈ ದಿವಸ ಈ ಬಿಲ್ಲಿನ ಮೇಲೆ ಹೆಚ್ಚಿಗೆ ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಬೇರೆ ಇಲ್ಲ. ನಮ್ಮ ಬಾಯನ್ನು ಕಟ್ಟಿದ್ದಾರೆ. ನಾವು ಹಿಂದೆ ಇಲ್ಲಿ ಬಿಲ್ಲುಗಳನ್ನು ಪಾಸ್ ಮಾಡುತ್ತಿದ್ದುದಕ್ಕೂ ಈಗ ಇದನ್ನು ಪಾಸ್ ಮಾಡುವುದಕ್ಕೂ ಬಹಳ ವ್ಯತ್ಯಾಸವಿದೆ. ಇದನ್ನೆಲ್ಲಾ ನೋಡಿದರೆ ಸರ್ಕಾರದವರು ಇಂಥ ಅಧಿವೇಶನವನ್ನು ನಡೆಸುವುದಕ್ಕಿಂತ ಇದನ್ನು ನಿಲ್ಲಿಸಿಬಿಟ್ಟು ಈ ಹಣವನ್ನೆಲ್ಲಾ ನ್ಯಾಷನಲ್ ಫಂಡಿಗೆ ಕೊಡತಕ್ಕದ್ದು ಉತ್ತಮವಾದುದೆಂದು ನನಗೆನಿಸುತ್ತಿದೆ.

We will be saved from the obsolescence outlook. We cannot drive an aeroplane with a bullock cart. Neither the Bill nor the speeches are emergency oriented. Therefore there is need for putting a moratorium on speeches and put the Bill to vote and money thus saved be donated to the N. D. F. which will be appropriate.

ನಾವು ಇಲ್ಲಿ ಕುಳಿತುಕೊಂಡು ಇಂಥ ಮಸೂದೆಗಳನ್ನು ಪಾಸ್‌ಮಾಡತಕ್ಕದ್ದು ಸರಿಯೆಂದು ಕಾಣುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಇಲ್ಲಿ ಈ ಸಭೆಯನ್ನು ಕರೆದು ಇಂಥ ಯೋಗ್ಯವಲ್ಲದ ಕಾರ್ಯದಲ್ಲಿ ಕಾಲ ವಿನಿಯೋಗಿಸುವುದರ ಬದಲು ಇದಕ್ಕೆ ಖರ್ಚುಮಾಡತಕ್ಕ ಹಣವನ್ನು ಎನ್. ಡಿ. ಎಫ್. ಗಾದರೂ

ಕೊಡತಕ್ಕದ್ದು ಯೋಗ್ಯವಾದುದೆಂದು ನಾನು ತಮ್ಮಲ್ಲಿ ಕಳಕಳಿಯಿಂದ ಕೇಳಿಕೊಂಡು ನನ್ನ ನಾಲ್ಕು ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

†ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ.—ಅಧ್ಯಕ್ಷರೇ, ವ್ಯವಸಾಯಗಾರರ ಸಾಲತೀರ್ವೆಯ ಈ ಒಂದು ವಿಧೇಯಕವನ್ನು ನಾವೆಲ್ಲರೂ ತುಂಬಾ ಸ್ವಾಗತಿಸತಕ್ಕದ್ದೇ ಆಗಿದೆ. ಇದುವರೆಗೂ ರಾಜ್ಯದ ಬೇರೆ ಬೇರೆ ಭಾಗದಲ್ಲಿ ಒಂದೊಂದು ರೀತಿಯಲ್ಲಿ ಇದರ ಪರಿಹಾರ ಮಾರ್ಗವನ್ನು ಕೈಗೊಳ್ಳಲಾಗುತ್ತಿತ್ತು. ಈಗ ಅವನ್ನೆಲ್ಲಾ ಕ್ರೋಡೀಕರಿಸಿ ಒಂದು ಸಮಗ್ರ ಮಸೂದೆಯನ್ನು ಇಡೀ ರಾಜ್ಯಕ್ಕೆಲ್ಲ ಅನ್ವಯವಾಗುವಂತೆ ಮಾಡಿದ್ದಾರೆ. ಇದನ್ನು ಹೀಗೆ ಕ್ರೋಢೀಕರಿಸುವುದಕ್ಕಾಗಿ ಒಂದು ಸಂಯುಕ್ತ ಪರಿಶೀಲನಾ ಸಮಿತಿಯನ್ನು ನೇಮಕಮಾಡಿದ್ದು, ಆ ಸಮಿತಿಯವರು ಇದನ್ನು ಪರಿಶೀಲಿಸಿದ ನಂತರ ಈ ವಿಧೇಯಕವನ್ನು ಈ ಸಭೆಯಮುಂದೆ ಮಂಡಿಸಲಾಗಿದೆ. ಇದರಲ್ಲಿ ಸಂಯುಕ್ತ ಪರಿಶೀಲನಾ ಸಮಿತಿಯವರು ಕೆಲವು ಮಾರ್ಪಾಡುಗಳನ್ನು ಮಾಡಿ ಅದರ ಮೂಲಕ ರೈತರನ್ನು ಒಂದು ಸುಸಂಬಂಧ ರೀತಿಯಲ್ಲಿ ಋಣವಿಮುಕ್ತನನ್ನಾಗಿ ಮಾಡುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡಿದ್ದಾರೆ. ಆದರೆ ಇದರಲ್ಲಿ ಯಾವ ಯಾವ ಸಾಲಗಳನ್ನು ಯಾವ ಯಾವ ರೀತಿ ಪರಿಹಾರ ಮಾಡಬಹುದು ಎಂಬುದರ ಬಗ್ಗೆ ನನ್ನ ಕೆಲವು ಸಲಹೆಗಳನ್ನು ಕೊಡಬೇಕೆಂದಿದ್ದೇನೆ.

ನಾನು ಕೆಲವೊಂದು ಲೋಪದೋಷಗಳನ್ನು ಅವು ಪ್ರಿಂಟ್ ಇರಲಿ ಅಥವಾ ಪರಿಶೀಲನಾ ಸಮಿತಿಯವರು ಏನುಮಾಡಬೇಕೆಂದು ಇದ್ದಾರೆ ಅವುಗಳನ್ನು ಈ ಕ್ಲಾಜುಗಳಲ್ಲಿ ಅಳವಡಿಸದೇ ಹಾಗೆಯೇ ಬಿಟ್ಟಿದ್ದಾರೆ ಅದನ್ನು ಎತ್ತಿ ತೋರಿಸುತ್ತಾ ಇದ್ದೇನೆ. ಸೆಕ್ಷನ್ 2 ಸಬ್‌ಕ್ಲಾಜ್ 5 ರಲ್ಲಿ 30ನೇ ಜನವರಿ 1960ನೇ ಇಸವಿಯನ್ನು ಏಕೆ ಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ ಎಂಬುದನ್ನು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಸವಿಸ್ತಾರವಾಗಿ ತಿಳಿಸದೇ ಹೋದರು. ಅದೂ ಅಲ್ಲದೇ annual income ಬಗ್ಗೆ ಏನು ಹೇಳಿದ್ದಾರೆ ಅದರಲ್ಲಿ ಅದನ್ನು ಯಾವ ರೀತಿಯಾಗಿ ವಸೂಲು ಮಾಡಬೇಕೆನ್ನುವುದು ಮತ್ತು ಅನ್ ಡಿವೈಡೆಡ್ ಹಿಂದೂ ಫ್ಯಾಮಿಲಿ ಆದರೆ ಹೇಗೆ ಮಾಡಬೇಕೆಂಬುದನ್ನು ತಿಳಿಸಲಿಲ್ಲ. Financing of Crops ಈ ವಿಷಯದ ಬಗ್ಗೆ ಹೇಳುವುದಾದರೆ, ಈಗಿನ ಸಂದರ್ಭದಲ್ಲಿ ಗ್ರೋ ಮೋರ್ ಫುಡ್‌ಗೆ ಬಹಳ ಹೆಚ್ಚಿನ ಪ್ರಾಮುಖ್ಯತೆಯನ್ನು ಕೊಡಬೇಕಾಗಿದೆ. ಹೆಚ್ಚು ಬೆಳೆಯಲಿಕ್ಕೆ ಪಂಪ್‌ಸೆಟ್ಟುಗಳನ್ನು ಕೊಡಬೇಕಾಗುತ್ತದೆ, ಆದ್ದರಿಂದ ಅವುಗಳನ್ನು ಖರೀದಿ ಮಾಡಿದರೆ ಅವನ್ನೂ ಸಹ ಇದರಲ್ಲಿ ಸೇರಿಸಬೇಕೆಂದು ಹೇಳಬಯಸುತ್ತೇನೆ.

ಸೇವಿಂಗ್ಸ್ ಕ್ಲಾಜ್ (3)ರಲ್ಲಿ ಐಟಂ (9) ರಲ್ಲಿ ಹೇಳಿರತಕದ್ದು ಏನಿದೆ ಅದು ಸರಿಯೇ ಎನ್ನುವುದು ಸ್ವಲ್ಪ ಸಂಶಯವಾಗಿದೆ ಅದನ್ನು ಮಾರ್ಪಾಡು ಮಾಡಬೇಕೆಂದು ಸೂಚನೆ ಮಾಡಬಯಸುತ್ತೇನೆ.

ಅಧ್ಯಾಯ 2, ಕ್ಲಾಜ್ (4) ರಲ್ಲಿ 90 ದಿನ ಎಂಬುದಾಗಿ ಮಾರ್ಪಾಡು ಮಾಡಬೇಕೆಂದು ಸೂಚನೆ ಮಾಡುತ್ತೇನೆ.

[MR. DEPUTY SPEAKER in the Chair.]

ಕ್ಲಾಜ್ (11) ರಲ್ಲಿ ಸಂಯುಕ್ತ ಪರಿಶೀಲನಾ ಸಮಿತಿಯವರು 'Not more than 20,000 rupees' ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಆ ರೀತಿ ಮಾರ್ಪಾಡು ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಟ್ರಾನ್ಸ್‌ಕ್ಷನ್ಸ್ ಮಾಡುವಾಗ ಸೆಕ್ಷನ್ 21 ಸಬ್-ಕ್ಲಾಜ್ ಎರಡರಲ್ಲಿ ಒಂದನೇ ಜನವರಿ 1941 ಇದ್ದರೆ 12 ಪರ್ಸೆಂಟ್ ಬಡ್ಡಿ ಆಕರಣೆ ಮಾಡಬೇಕೆಂದು ಇದ್ದಾರೆ. 1950 ರ ಮೇಲೆ ಅವರೆ 9 ಪರ್ಸೆಂಟ್ ಆಕರಣೆ ಮಾಡಬೇಕೆಂದು ಇದೆ. ಸಬ್-ಕ್ಲಾಜ್ (4) ರಲ್ಲಿ 6 ಪರ್ಸೆಂಟ್ ಅಂತ ಇದೆ. ಯಾವುದೇ ತರಹ ಇದ್ದರೂ ಕೂಡ 6 ಪರ್ಸೆಂಟ್ ಅಂತ ಇರಬೇಕೆಂದು ನನ್ನ ಸೂಚನೆ ಇದೆ.

Notice to Deputy Commissioner ಅನ್ನುವುದರ ಜೊತೆಗೆ to such other officer ಎನ್ನತಕ್ಕ ವರ್ಡಿಂಗನ್ನೂ ಸಹ ಸೇರಿಸಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

Definitions ನಲ್ಲಿ ಸಬ್-ಕ್ಲಾಜ್ 14 ಆದನಂತರ 15 ಎಂಬುದನ್ನು ಸೇರಿಸಿ ಅದರಲ್ಲಿ 'ಅಗ್ರಿಕಲ್ಚರಲ್ ಲೇಬರರ್' ಎನ್ನತಕ್ಕದ್ದನ್ನು ಹಾಕಬೇಕೆಂದು ನಾನು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ.

Debts repay ಮಾಡುವಾಗ 12 ಕಂತುಗಳು ಇರಬೇಕೆಂದು ಇದೆ. ಸಾಮಾನ್ಯವಾಗಿ ನಾವು ನೋಡುತ್ತಾ ಇರುವ ಹಾಗೆ ಲ್ಯಾಂಡ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಬ್ಯಾಂಕುಗಳಲ್ಲಿ ಅದನ್ನು 18 ರಷ್ಟಕ್ಕೆ ಮುಂದುವರಿಸುತ್ತಾ ಇದ್ದಾರೆ. ಆದ್ದರಿಂದ ಶ್ರೀಮಾನ್ ಕೇಶವಮೂರ್ತಿಗಳು ಹೇಳಿದ ಹಾಗೆ 15 ಕಂತುಗಳಲ್ಲಿ ತೀರಿಸುವಂತೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡಬೇಕೆಂದು ನಾನು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ.

(ಶ್ರೀ ಸಿದ್ದಯ್ಯ ಕಾಶೀಮಠ್)

ಸೆಕ್ಷನ್ 62 ರಲ್ಲಿ ಆರುತಿಂಗಳ ಶಿಕ್ಷೆ ಅಥವಾ ತಪ್ಪಿದಲ್ಲಿ 500 ರೂಪಾಯಿ ದಂಡ ಎಂದು ಹಾಕಲಾಗಿದೆ. 500 ರೂಪಾಯಿ ಬಹಳ ಹೆಚ್ಚಾಗುತ್ತದೆ. ಅದನ್ನು 100 ರೂಪಾಯಿ ಎಂಬುದಾಗಿ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ಈಗ ಹೇಳಿರತಕ್ಕ ಕಷ್ಟಗಳನ್ನು ಹೋಗಲಾಡಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಕೆಲವು ಮಾರ್ಪಾಡುಗಳನ್ನು ಮಾಡಬೇಕೆಂದು ಸಲಹೆ ಮಾಡಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ (ಹೊಳೇನರಸೀಪುರ).—ಮಾನ್ಯ ಸಭಾಪತಿಗಳೇ, ನಮ್ಮ ಮುಂದೆ ಇರತಕ್ಕ 1965ನೇ ಇಸವಿ ಅಗ್ರಿಕಲ್ಚರಲ್ ಡೆಟರ್ಸ್ ರಿಲೀಫ್ ಬಿಲ್ಲನ್ನು ಎಂದರೆ ಈಗ ನಮ್ಮ ಮುಂದೆ ಜಾಯಿಂಟ್ ಸೆಲೆಕ್ಟ್ ಸಮಿತಿಯವರಿಂದ ಬಂದ ರಿಪೋರ್ಟ್ ಏನಿದೆ ಇದನ್ನು ಚರ್ಚೆ ಮಾಡತಕ್ಕ ಕಾಲದಲ್ಲಿ ಈ ರಿಪೋರ್ಟಿನಲ್ಲಿರತಕ್ಕ ಸಲಹೆಗಳನ್ನು ಬಹಳ ಕಟುವಾಗಿ ಟೀಕೆ ಮಾಡಬೇಕೆಂದು ನನಗೆ ಅನಿಸುತ್ತದೆ. ತಾವು ಈ ವಿಧೇಯಕವನ್ನು ತಂದಿದ್ದೀರಿ. ಇದನ್ನು ಸಂಯುಕ್ತ ಪರಿಶೀಲನಾ ಸಮಿತಿಯವರು ಪರಿಶೀಲನೆ ಮಾಡಿ ಈ ಸಭೆಗೆ ಈಗ ಒಪ್ಪಿಸಿದ್ದಾರೆ. ಇದನ್ನು ಸ್ವಲ್ಪ ತುಲನೆ ಮಾಡಿ ನೋಡುವುದಾದರೆ ಇದರಿಂದ ರೈತರ ಏಳಿಗೆಗೆ ಕುಂಠಿತವಾಗುತ್ತದೆ ಎಂದು ಕಂಡು ಬರುತ್ತದೆ. ಏಕೆಂದರೆ ಈ ವಿಧೇಯಕವನ್ನು ಪಾಸ್ ಮಾಡಿದ ಮೇಲೆ ಹಳ್ಳಿಯಲ್ಲಿ ವ್ಯಾಜ್ಯ ಜಾಸ್ತಿಯಾಗುತ್ತದೆಯೇ ಹೊರತು ಇದರಿಂದ ಒಳ್ಳೆಯ ಪ್ರಯೋಜನವಾಗುವ ಸನ್ನಿವೇಶ ಕಂಡು ಬರುವುದಿಲ್ಲ. ರೈತವರ್ಗದಿಂದ ಬಂದಿರತಕ್ಕ ತಮಗೆ ಚೆನ್ನಾಗಿ ಅನುಭವ ಇದೆ ಇದನ್ನು ತಾವೆಲ್ಲಾ ಚೆನ್ನಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕು. ರೈತ ಇವತ್ತು ಸಾಲದಲ್ಲಿ ತೊಳಲಾಡುತ್ತಾ ಇದ್ದಾನೆ. ಅವನಿಗೆ ಉಪಕಾರ ಮಾಡತಕ್ಕ ವಿಧೇಯಕವನ್ನು ತರತಕ್ಕ ಕಾಲದಲ್ಲಿ ಇದರ ಪರಿಣಾಮವೇನಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡುವುದು ಸೂಕ್ತ ಮತ್ತು ಅವನಿಗೆ ಪರಿಹಾರ ಕೊಡುವ ಬಗ್ಗೆ ಕೆಲವು ತಿದ್ದುಪಡಿಗಳನ್ನು ಸರ್ಕಾರದವರು ತರುವುದು ಉತ್ತಮ ಎಂದು ನನಗಾದರೂ ಅನಿಸುತ್ತದೆ. ಒಂದೆರಡು ಸೆಕ್ಷನ್‌ಗಳನ್ನು ಈಗ ನಾನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಲಿಚ್ಛಿಸುತ್ತೇನೆ. ಸೆಕ್ಷನ್ 22 ರಲ್ಲಿ ಹೇಳಿರುವಂತೆ ಯಾವ ಆಳತೆ ಕೋಲಿನಿಂದ ಫೇರ್ ರೆಂಟ್‌ನ್ನು ನಿಗದಿ ಮಾಡತಕ್ಕ ಬಗ್ಗೆ ಕೋರ್ಟಿಗೆ ಆದೇಶ ಕೊಡುತ್ತೀರಿ ಎನ್ನುವುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಏಕೆಂದರೆ ಯಾರಾದರೂ ಸದುದ್ದೇಶದಿಂದ ರೈತನಿಗೆ ಸಹಾಯ ಮಾಡತಕ್ಕ ಬಗ್ಗೆ ಸಾಲ ಕೊಟ್ಟ ಪಕ್ಷದಲ್ಲಿ ಆ ಸಾಲಕ್ಕೆ ಪೂರ್ತಿ ಸೊನ್ನೆ ಸುತ್ತತಕ್ಕ ವ್ಯವಸ್ಥೆ ಈ ಕ್ಲಾಜ್‌ನಲ್ಲಿ ಇದೆ. ಇದರಲ್ಲಿ ರೆಂಟ್‌ಗೆ ಇಂಟರೆಸ್ಟ್ ನಿಗದಿ ಮಾಡತಕ್ಕ ಕಾಲದಲ್ಲಿ ಯಾವರೀತಿ ಮಾಡಬೇಕು, ಯಾವ ಯಾವ ಕ್ರಮ ಅನುಸರಿಸಬೇಕು ಎಂಬುದನ್ನು ತಿಳಿಸಿಲ್ಲ. ಒಂದು ವೇಳೆ ಕೋರ್ಟು ತನ್ನದೇ ಆದ ದೃಷ್ಟಿಯಿಂದ ನೋಡುವುದಾದರೆ ರೆಂಟ್‌ನ್ನು ಹೆಚ್ಚಿಗೆ ದರದಲ್ಲಿ ನಿಗದಿ ಮಾಡಿದರೆ ಅಸಲಿನಲ್ಲಿ ಅರ್ಧಚಂದ್ರವಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ತಮ್ಮ ಗಮನಕ್ಕೆ ತರಲಿಚ್ಛಿಸುತ್ತೇನೆ.

ಇವೊತ್ತು ಮಾರ್ಟ್‌ಗೇಜ್ ಹಣ ಅಸಲು ಪೂರ್ತಿ ಮಾಯವಾಗುವ ಸಂದರ್ಭ ಇದೆ. ಅನೇಕ ಕೋರ್ಟು ಕೇಸುಗಳನ್ನು ತಾವು ನೋಡಿರಬಹುದು. ಕೊಟ್ಟಂತಹ ಹಣ ಮಾಯವಾಗುತ್ತಾ ಇದೆ. ಇದನ್ನು ಸಮತೂಕ ದೃಷ್ಟಿಯಿಂದ ಯೋಚನೆಮಾಡಿ. 22ನೆಯ ಕ್ಲಾಸಿನ ಬಗ್ಗೆ ಸರ್ಕಾರ ಪುನಃ ಪರಿಶೀಲನೆ ಮಾಡಬೇಕೆಂದು ಹೇಳುವುದಕ್ಕೆ ಇಷ್ಟಪಡುತ್ತೇನೆ. ಸೆಕ್ಷನ್ 23, ಮಿಶ್ಚಿವಸ್ ಕ್ಲಾಜ್ ಎಂದು ಹೇಳಿದರೆ ತಪ್ಪಾಗಲಾರದು. ಅದರಲ್ಲಿ

"Power of Court to declare transfer purporting to be a sale to be in the nature of mortgage".

4-30 P.M.

ವಿಚಾರ ಹೇಳಿದ್ದಾರೆ. 30 ವರ್ಷದಿಂದ ಹಿಂದೆ ಏನಾದರೂ ಸೇಲ್ ಆಗಿರುವುದನ್ನು ಈ ಕ್ಲಾಜ್ ಪ್ರಕಾರ ಮಾರ್ಟ್‌ಗೇಜ್ ಎಂದು ಡಿಕ್ಲೇರ್ ಮಾಡುವುದಾದರೆ, ಕಾನ್‌ಸಿಕ್ವೆನ್ಸಸ್ ಏನಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ತಾವು ಯೋಚನೆ ಮಾಡಬೇಕು. ರೈತರ ಕೈಯ್ಯಲ್ಲಿ ದೊಣ್ಣೆ, ಕತ್ತಿ ಕೊಟ್ಟಂತಾಗುತ್ತದೆ. ಇದರಿಂದ ನ್ಯಾಯ ದೊರಕುವುದಿಲ್ಲ. ಇನ್ನು ಕೊಟ್ಟಂಥ ಜಮೀನನ್ನು ಕ್ಲಾಜ್ 4ರ ಪ್ರಕಾರ ಕೋರ್ಟಿಗೆ ಅರ್ಜಿ ಹಾಕಿ ಅದು ಖರೀದಿ ಮಾಡಿದ್ದಲ್ಲ, ನಂಬಿಕೆ ಮೇಲೆ ಕೊಟ್ಟಿದೆಯೆಂದು ವಾರ್ಡ್ ಪ್ಲೀಡ್ ಮಾಡುವುದಾದರೆ ಆಗ 20 ವರ್ಷ ಅಥವಾ 30 ವರ್ಷದಿಂದ ಪಡೆದ ಜಮೀನಿನ ಮೇಲೆ ಸಹಸ್ರಾರು ರೂಪಾಯಿಗಳನ್ನು ಖರ್ಚುಮಾಡಿ ಅಭಿವೃದ್ಧಿ ಮಾಡಿದ್ದು ಏನು ಆಗುತ್ತದೆ ? ಜಮೀನು ವಾಪಸ್ಸು ಕೊಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗುತ್ತದೆಯೇ ? ಇದರಿಂದ ಎಷ್ಟು ಅನಾಹುತವಾಗುತ್ತದೆ ಎಂದು ಯೋಚನೆ ಮಾಡಬೇಕು.

ಇಂತಹ ಕ್ಲಾಜನ್ನು ಮಾಡಿ ಸಭೆಯು ಒಪ್ಪಿಗೆ ಮಾಡುವುದಾದರೆ ರೈತರ ಜೀವನದಲ್ಲಿ ನೆಮ್ಮದಿ ತೊಡೆದು ಹಾಕಿದಂತಾಗುತ್ತದೆ. ಇದರಿಂದ ಅನೇಕ ಖೂನಿಗಳು ಆಗುತ್ತವೆ ಎಂದು ವಿಷಾದದಿಂದ ಹೇಳಬೇಕಾಗಿದೆ. ತಾವು ಸದುದ್ದೇಶದಿಂದ 30 ವರ್ಷ ಹಿಂದೆ ಆದ ಸೇಲ್ ಮಾರ್ಟ್‌ಗೇಜ್ ಎಂದು ಟ್ರೀಟ್ ಮಾಡುವುದಾದರೆ ಅದರ ಮೇಲೆ ಇನ್‌ವೆಸ್ಟ್ ಮಾಡಿದ ಹಣ ಎಷ್ಟು ಎಂಬುದನ್ನು ಯೋಚನೆ ಮಾಡುವುದರ ಜೊತೆಗೆ, ಹಿಂದೆ ಆ ಜಮೀನಿಗೆ ಎರಡು ಸಾವಿರ ರೂಪಾಯಿ ಆಗಿದ್ದುದು ಈಗ 20-30 ಸಾವಿರ ರೂಪಾಯಿ ಬೆಲೆಯಾಗುತ್ತದೆ ಎನ್ನುವುದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕು. ಆ ಜಮೀನಿನಲ್ಲಿ ಅಡಿಕೆ ತೋಟ ಅಥವಾ ತೆಂಗಿನ ತೋಟ ಮಾಡಿದ ಪಕ್ಷದಲ್ಲಿ ಬೆಲೆ ಎಷ್ಟಾಗುತ್ತದೆ, ಇನ್‌ವೆಸ್ಟ್ ಮಾಡಿದ ಹಣ ಎಷ್ಟು, ಅದನ್ನೆಲ್ಲಾ ಯೋಚನೆ ಮಾಡಬೇಕು. ಕ್ಲಾಜ್ 4 ಷೆಲ್ವರ್ ತೆಗೆದುಕೊಂಡು, ಖರೀದಿಗೆ ಮೇಲೆ ಕೊಟ್ಟಿರತಕ್ಕ ಕಾಲದಲ್ಲಿ, ವಾರ್ಡ್ ನಂಬಿಕೆ ಮೇಲೆ ಕೊಟ್ಟಿದ್ದೇವೆ ಎಂದು ಪ್ಲೀಡ್ ಮಾಡಿದರೆ, ರೈತರ ಕೈಯಲ್ಲಿ ಮಚ್ಚು, ಕತ್ತಿ ಕೊಟ್ಟಂತಾಗುತ್ತದೆ. ರೈತರ ಜೀವನದಲ್ಲಿ ನೆಮ್ಮದಿ ಇರುವುದಿಲ್ಲ. ಗೊಂದಲಕ್ಕೆ ಇಡುವ ಪರಿಸ್ಥಿತಿ ಬರುತ್ತದೆ. ಆದುದರಿಂದ ತಾವು ಯೋಚನೆ ಮಾಡಿ ಈ ಕ್ಲಾಜನ್ನು ಡಿಲೀಟ್ ಮಾಡಬೇಕು ಎಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ರೈತರ ಹಿತಚಿಂತನೆಯಿಂದ ವಿಧೇಯಕ ಮಾಡಬೇಕಾಗಿದೆ. ಇದು ಕೆಟ್ಟ ಪರಿಣಾಮ ಕೊಡತಕ್ಕ ಮಸೂದೆ ಆಗಬಾರದು. ಈ ವಿಧೇಯಕವನ್ನು ಪಾಸು ಮಾಡುವ ಕಾಲದಲ್ಲಿ ಹೇಸ್ಟಿ ಡಿಸಿಷನ್ ತೆಗೆದುಕೊಳ್ಳುವುದು ಬೇಡ ಎಂದು ಕಳಕಳಿಯಿಂದ ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ಇನ್ನು ಅನೇಕ ನಿಬಂಧನೆಗಳನ್ನು ಅಳವಡಿಸಿದ್ದೀರಿ. ಒಂದನ್ನು ಕೊನೆಯದಾಗಿ ಹೇಳುವುದಕ್ಕೆ ಇಚ್ಛೆಪಡುತ್ತೇನೆ. ಲ್ಯಾಂಡ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಬ್ಯಾಂಕು ಕೋರ್ಟಿನ ಅವಾರ್ಡ್ ಪ್ರಕಾರ ಸಾಲವನ್ನು ಕೊಟ್ಟಾದ ಮೇಲೆ, ಪುನಃ ಯಾರಾದರೂ ಸಾಲ ಕೊಡಬೇಕಾದರೆ ಪರ್ಮಿಷನ್ ಕೊಡುವ ಬಗ್ಗೆ ಅಲ್ಲಿ ಒಂದು ಕ್ಲಾಜನ್ನು ಇಂಟ್ರಡ್ಯೂಸ್ ಮಾಡಿದ್ದಾರೆ. ಯಾರು ಸಾಲ ಕೊಡುತ್ತಾರೆ. ಕೊಟ್ಟ ಕಂತಿಗೆ ಅರ್ಧ ಚಂದ್ರ ಮಾಡುವ ಕಾಲದಲ್ಲಿ ಯಾರಾದರೂ ಪುನಃ ಸಾಲ ಕೊಡುವ ದಡ್ಡರು ಇದ್ದಾರೆಯೇ ? ಇದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಒಂದು ಸಾರಿ ಸಾಲ ಕೊಟ್ಟ ಮೇಲೆ ರೈತರಿಗೆ ಮತ್ತೆ ಒಂದು ರೂಪಾಯಿ ಬೇರೆ ಬಂಡವಾಳಗಾರರಿಂದ ಹುಟ್ಟುತ್ತದೆಯೇ ? ಲ್ಯಾಂಡ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಬ್ಯಾಂಕುಗಳು ಎಷ್ಟೇ ಗ್ಯಾರಂಟಿ ಕೊಟ್ಟರೂ ರೈತನ ಏಳಿಗೆ ಖಂಡಿತ ಆಗುವುದಿಲ್ಲ. ಲ್ಯಾಂಡ್ ಡೆವೆಲಪ್‌ಮೆಂಟ್ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಒಂದು ಸಾರಿ ಸಾಲ ಸಿಕ್ಕಿದ ಮೇಲೆ ಖಂಡಿತ ಬೇರೆ ಯಾರೂ ಸಾಲ ಕೊಡುವುದಿಲ್ಲ. ಸರ್ಕಾರ ಆಗಾಗ್ಗೆ ಒದಗತಕ್ಕ ಕಷ್ಟ ನಷ್ಟಗಳಿಗೆ ಭಾಗಿಯಾಗುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲ. ಇದರಿಂದ ರೈತನ ಕೊಲೆ ಮಾಡುತ್ತಾರೆ ಎಂದು ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳುವುದಕ್ಕೆ ಇಚ್ಛೆ ಪಡುತ್ತೇನೆ. ಏತಕ್ಕೆಂದರೆ ವಿಧೇಯಕ ಏನು ಇದೆ ಅದರಲ್ಲಿ ಅನೇಕ ನೋವು ಉಂಟಾಗತಕ್ಕ ಕ್ಲಾಜ್ ಇಟ್ಟಿದ್ದಾರೆ. ಅದರಿಂದ 61ನೆಯ ಕ್ಲಾಜ್ ಏನು ಇದೆ ಯಾರಿಗೂ ಯಾವ ತರಹ ಪರಿಹಾರ ದೊರೆಯುವುದಿಲ್ಲ, ನಿಮ್ಮ ಉದ್ದೇಶ ಸಫಲವಾಗುವುದಿಲ್ಲ ಎಂದು ನಾನು ಸ್ಪಷ್ಟವಾಗಿ ತಿಳಿಸುವುದಕ್ಕೆ ಇಚ್ಛೆ ಪಡುತ್ತೇನೆ. ತಾವು ಇನ್ನು ಡೆಟರ್ ಎನ್ನುವ ಬಗ್ಗೆ ಒಂದು ಕುಟುಂಬಕ್ಕೆ 5 ಸಾವಿರ ರೂಪಾಯಿ ಮತ್ತು ಜಾಯಿಂಟ್ ಫ್ಯಾಮಿಲಿಗೆ 10 ಸಾವಿರ ರೂಪಾಯಿ ಇಟ್ಟಿದ್ದೀರಿ, ಇದರಲ್ಲಿ ಸ್ವಲ್ಪ ಉತ್ಪತ್ತಿ ಪ್ರಮಾಣವನ್ನ ಜಾಸ್ತಿ ಮಾಡಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು ಎಂದು ಅನ್ನಿಸುತ್ತದೆ. ಅದನ್ನು ತಾವು ಯೋಚನೆ ಮಾಡಬೇಕು. ಇವೊತ್ತು ವ್ಯವಸಾಯದ ಪರಿಸ್ಥಿತಿ ಏನಾಗಿದೆ? Cost of cultivation and other things ಯೋಚನೆ ಮಾಡಿ ಆ ಒಂದು ಮಿತಿಯನ್ನು ಸ್ವಲ್ಪ ಜಾಸ್ತಿ ಮಾಡಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು ಎಂದು ಕಾಣುತ್ತದೆ. ಕ್ಲಾಜ್ 11 ರಲ್ಲಿ "Application under section 8 to be made only in respect of debtor whose debts are not more than Rs. 15,000" ಎಂದು ಇದೆ. ಇದನ್ನು 25 ಸಾವಿರ ರೂಪಾಯಿಯವರೆಗೆ ಹೆಚ್ಚಿಸಬೇಕು. ನಾನು ಇದಕ್ಕೆ ಅಮೆಂಡ್‌ಮೆಂಟನ್ನು ಕೂಡ ಕಳಿಸಿದ್ದೇನೆ. ಹಾಗೂ ಇನ್ನೂ ಅನೇಕ ಅಮೆಂಡ್‌ಮೆಂಟುಗಳನ್ನು ಕಳಿಸಿದ್ದೇನೆ. ಅಮೆಂಡ್‌ಮೆಂಟ್‌ಗಳ ಮೇಲೆ ಮಾತನಾಡತಕ್ಕ ಕಾಲದಲ್ಲಿ ನನ್ನ ಅಭಿಪ್ರಾಯವನ್ನು ಕೊಡುವುದಕ್ಕೆ ಇಚ್ಛೆಪಡುತ್ತೇನೆ. ಇಷ್ಟು ಮಾತನಾಡುವುದಕ್ಕೆ ಅವಕಾಶ ಕೊಟ್ಟಿದ್ದಕ್ಕೆ ಅಧ್ಯಕ್ಷರಿಗೆ ವಂದಿಸಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri ANNA RAO GANAMUKHI (Afzalpur).—Sir, this Agriculture Debtors Relief Bill is meant to give relief to the agriculturists temporarily, that is to say, after the passing of this Act and within 3 months from the commencement of this Act, whoever applies to the court to be constituted, such cases will come within the purview of this Act. It means that it is a temporary measure. Whoever comes before the court within that period, their debts will be settled and not more than that.

(SRI ANNA RAO GANAMUKHI)

Can we now think of a continuing process of reviewing these debts and giving relief to the agriculturists as long as there is a necessity? We see from the sample survey carried out by the Reserve Bank of India in some of the villages during the last decade, the percentage of debts is increasing progressively in spite of the measures that the Government are adopting every day. This is not a new measure that we are passing because in the Hyderabad area there was the Agricultural Debtors Relief Act and in the Bombay area also in the 1947 Act there was the same provision and in that all the debts which were incurred before 1947 were dealt with by the Boards or Courts set up in the Bombay area. Even in the Hyderabad area such courts were set up and we do not know how many agriculturists availed of this measure. At any rate it was a continuing process. I know that there was one Act the Jagirdars Debt Settlement Act and a Board had been set up under that Act of which I happened to be the Chairman and many claims of debtor jagirdars were settled under that and many debts were extinguished and those debts amounted to crores of rupees. Therefore, I do not think that this will give a complete relief to the agriculturists. On the other hand, the existing debts on the commencement of this Act and within three months, whatever applications come before the Court, those applications should be dealt with.

Sri K. PUTTASWAMY.—Please refer to Clause 3, sub-clause (v), which says:

"any sum in respect of which proceedings have been taken under the Hyderabad Jahgirdars Debt Settlement Act, 1952;"

Sri ANNA RAO GANAMUKHI.—I know that. Many of the cases were dealt with by that Board. As it is, I think, when the debts are increasing day by day progressively, this Act of giving temporary relief to the agriculturists will not serve any purpose to the debtors. Here, I should say that even the debts which were not extinguished by the former Courts or the Boards, will not come under the parview of this Act. I am talking of the Select Committee Report—Clause 1, where Sri C. S. Hulkoti has referred to his amendments tabled by him when the Bill was befor the Select Committee. It is at page 49 and it reads as follows:—

"Sri C. S. Hulkoti stated that there was already an Act which gave the debtors a right to approach the Court to have their debts liquidated and that opportunity lapsed in 1947. From 1947 to 1956 this right was not there in the Bombay area. By extending the provisions of this Act, it would be giving the debtors of those areas once again to raise these matters and start litigation."

While this question was raised in the Select Committee, I do not think the Select Committee has taken any precise decision in this matter. On the other hand, at page 51 the Report says :—

> "CLAUSE 4—The Committee considered that it should be made clear that the debts which have been extinguished by virtue of the provisions of the Bombay Agricultural Debtors Relief Act, 1947 or the Hyderabad Agricultural Debtors Relief Act, 1956 cannot be the subject matter of any application of this Clause. The proviso to this Clause was amplified."

This means that only when dealing with those applications under the various sections of those Acts and Clause 4 here, if the Courts extinguish the claims of those debtors who did not appear before the Court or who did not settle their claims or those debtors who did not file their statements, those debts were extinguished by a certain Act of the Board itself. But the debts which stood extinguished by operation of law have not been included in this. It means if the debtors or the creditors of those debts which stood extinguished again come before the Court, they are not debarred from coming. The repealing clause says that such repeal shall not affect the previous operation of the Acts so repealed and anything done or any action taken including Courts established or constituted, rules or orders made, forms prescribed, notifications or notices issued and proceedings instituted by or under the provisions thereof, shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act. So, by operation of law if any debt stands extinguished, then I think, such creditors or debtors should not be given the opportunity to appear again before this Court either under clause 4 or clause 8 or under clause 23. They should not be allowed to reagitate because they had the opportunity under the formal Act. If it is the intention of the Government to allow them to reagitate although had an opportunity, but they could not avail that opportunity, it is all right.

Sri M. R. PATIL.—Where is the question of a debt remaining when it has been extinguished under the Hyderabad or Bombay Act ?

Sri ANNA RAO GANAMUKHI.—Sir, I think, my friend, could not catch my point. I said that the debt which was extinguished by the Court does not come under this, and as amplified by the Select Committee it stands extinguished. But what about the debt which stood extinguished by the operation of law ?

Mr. DEPUTY SPEAKER.—Sub-clause (*b*) of Clause 4 (1) says :

> "in respect of any debt due from a debtor which has been extinguished..."

Sri ANNA RAO GANAMUKHI.—It is by the act of a certain authority, *i.e.*, the Court or a Board. It means that it must stand extinguished. The wording used is, "has been extinguished." That is my interpretation.

Sri V. S. PATIL.—Under the Bombay Act, of which we had the experience of doing these things from 1947 onwards, and even before that when the Board was there, the wording of Clause 15 is, that if the debtor has not made an application under Clase 4 or if the creditor has not applied to the Court for getting the dues from a debtor, then automatically the debt becomes extinguished. There is no necessity for getting a declaration from a Court that the debt is extinguished. It goes away automatically. So, there is no necessity for any rule.

Sri ANNA RAO GANAMUKHI.—What I said was, that it should stand extinguished, but not 'has been extinguished.' Otherwise, others may come and take advantage of these words. 'Has been extinguished' means that there is an agency to extinguish it I think, Sri C. S. Hulkoti has raised this very point and he has stated in the Select Committee that when there was an opportunity and he did not apply, then the debt stands extinguished. Those words could have been inserted.

It is likely that the Court may interpret the words. Literally those words cannot convey the meaning. I think the use of the word 'no' creates some confusion. The Court may interpret it. So the use of these words may elicit some confusion.

Under Section 8—application for recording settlement the Select Committee has not taken note of it. Here Section 17 has not been referred to. So, either debtor or creditor has to apply under sub-section (4) of Section 8. Under Section 5, the Creditor has also to be informed. Under Section 18, if there is any appeal or application, the Court shall proceed and shall transfer the file to this Court. That application shall be treated as application under Section 5. Under Section 19 also there is the provision regarding priliminary issues. The Court shall proceed to take account. The first point I want to mention is the Court will have the authority to proceed with the case. The Preliminary Issues under Section 17 means that the application should be of a debtor or a creditor and the accounts should not exceed Rs. 25,000 These conditions will have to be fulfilled before the settlement of debts. If the Court holds, the application will be treated under Section 4. If it is under Section 4, the preliminary issues will have to go round and decide. Whether he is a debtor or not and whether the debt exceeds Rs. 25,000 or not or any amount, he can claim adjustment of debt. That may be Rs. 50,000 even. Limitation is not there under Section 8. How can the application could be recorded and certify the same ? This sub-clause (3) of Section 8 has been made appealable. I think no Court has power to certify the settlement. So in the application for recording of settlement unless the preliminary issues are decided, I think no settlement should be recorded by the court and also certified by the

Court. Then in sub-clause ( ) of the same clause (8), when the debtor makes a declaration that there are no such debts, the Court shall make an award in terms of such settlement. I think, under Section 21, the Court has no power to look into the accounts. The Court will have to look into the provisions of section 21 and reduce the claim and then only pass the award. This limitation is not there. This restriction has to be imposed in connection with sub-clauses (4) of clause 8. Clause 3 mentions about savings. The sub-clauses under this clause 3, are out of the purview of the Court. If we go to section 25, sub-clause (5), the Deputy Commissioner, the Registrar of Co-operative Societies, Local Authorities or the Scheduled Bank will have to submit a statement to the Court showing the total amount of the debt due by the debtor. Well, they submit a statement; whether they submit a statement or not, that apart, when the court has no authority to settle all these debts because by virtue of the saving clause they have to be excluded from the purview of the Act, because the statement has not been filed by the Deputy Commissioner within the time given by the court, I do not think, the court should have the power to extinguish the debt which does not come under its power. This has been taken out by the Savings clause. How can you extend the power of the court to a debt which does not come within its purview. Simply because a statement has not been given.

5-00 P.M.

Sri K. PUTTASWAMY.—How is the court to know what amount of debt is outstanding? If the Deputy Commissioner does not file a statement, how is the court to know about it?

Sri ANNA RAO GANAMUKHI.—That is perfectely true. When you provide a saving clause, you take out the whole thing out of the court's purview. Again, how can yon give power? There should have been some proviso. That is why I say you exclude it from the savings or bring it under the purview of the Act.

Sri K. PUTTASWAMY.—The intention is not to scale it down.

Sri ANNA RAO GANAMUKHI.—Instead of scaling it down, if there is a negligent Deputy Commissioner or negligent Registrar who is dealing with public money, then because of the savings clause, takavi and other loans will be extinguished.

Sri G. V. GOWDA.—Suppose the Deputy Commissioner send up a report. Then the entire debt will be scaled down.

Sri K. PUTTASWAMY.—Such Deputy Commissioners will be properly dealt with.

Sri ANNA RAO GANAMUKHI.—The Court will be functus officio. It has no power to exitinguish the debt over which it has no power to settle. The debtor who cannot settle cannot come under the purview of this Act.

Sri K. PUTTASWAMY.—In case of debtor's application, the debtor is obliged to disclose correct information and if he does not disclose correct information, his interest would ultimately suffer.

Sri ANNA RAO GANAMUKHI.—If the debtor who does not furnish correct information sells any of his property, then you cannot reopen the award. That power is given in the Bill. If the Deputy Commissioner does not furnish correct statement, you take action against him and reopen the award if you like, but you cannot extinguish the public debt. Otherwise, if you want to extinguish, then bring that debt also under the settlement of scaling down. On the one side you save it from the clutches of the court and on the other you behead it simply because a Deputy Commissioner or a clerk does not send the statement before the date of judgement or before passing the order. To my mind, it appears this is not in tune with the saving clause put under clause 3. Now, again even in the definition of 'debt' you have said 'any liability for the recovery of which remedy is barred by limitation' is excluded from it. Here I should say because remedy is barred, it does not cease to be a debt. It will continue to be a debt although the person may not have the right to go to a court and claim it because the remedy is barred. So, debt barred by limitation does not cease to be a debt. So. instead of inserting it here, you could have taken it to clause 4 and said that there cannot be an application for adjustment of debts in respect of debts barred by limitation. If you say that debts does not include those barred by limitation, then they cease to be debts. I do not think it is legal. Then sub-clauses (viii) and (ix) of the Savings Clause are unnecessary. I do not think any of those Acts has taken this attitude. Why should we give such an exception to women? Where is the necessity? Why should we give it at all? If she has got land then she will grow the same quantity of foodgrains. She must be treated on par with other debtors. Where is the necessity of showing such discrimination between a man and woman? It should not be the spirit. It means her debt cannot be scaled down. I do not think it is proper. It is very undesirable to have such clauses. Further you say:

> "For the purposes of this clause, the house in which the creditor woman lives, or any furniture therein or her house hold utensils, wearing apparel, jewellery, or such like personal belongings shall not be regarded as property."

She may have Rs. 5,000 worth of jewellery. You don't even say 'wearing jewellery'. I think it is not at all reasonable. You should put some ceiling, jewellery worth Rs. 10,000 or Rs. 5,000. If she has 100 tolas of gold, for the purpose of law, you do not want to treat it as property. By no stretch of imagination, jewellery should be excluded whatever be the quantity. I do not think it is desirable.

Sri K. PUTTASWAMY.—It was the collective wisdom of the Select Committee.

Sri ANNA RAO GANAMUKHI.—It may be the collective wisdom of the Select Committee. At least to my wisdom it does not appeal.

I think this House is wiser than the Select Committee. It is not in tune with the spirit of the Act, because it is found in certain enactments you insert it here. It is not good.

Then about the exclusion of lawyers from appearing in the proceedings, I think, Sir, if my friend the Hon'ble Minister has gone into the proceedings of the Law Commission, he will see there they have criticised the Government and Legislatures and said that there is a tendency growing in the country to exclude lawyers from administrative courts. They are creating administrative courts—not judicial and quasi-judicial. For certain purposes, in sections 23, 27 and 28 you give permission. For other purposes, you say, he need not appear. Why ? Is he going to create complications for you ? If the party does not want, he may not engage a lawyer. If it is a court which has a proposition before it, which has to take evidence and frame issues and come to certain conclusions, can any debtor or creditor come and help the court in these matters ?

MR. DEPUTY SPEAKER.—That principle has been accepted during the first reading of the Bill.

SRI ANNA RAO GANAMUKHI.—When the Bill is referred to the Select Committee, you say that the Bill is going to be referred to Select Committee. After the Select Committee, you say that the whole thing has been already accepted. The Select Committee were expected to go through all the clauses. This tendency of the Government should not be encouraged. On the other hand, let the lawyers appear. I have experience in the Jahgirs Settlement Board, there was such a provision and we over looked the provision and we allowed the lawyers to appear in the case. What is the use of having a provision which has only an ornamental value and nobody can accept it ? Even the Law Commission has said like that. If you want, I will refer to the page and clause where they have said that. Very recently they have said that. It is a sad commentary on the Government as well as the legislature. Why should we insert such provision ? In spite of the observation of the Law Commission, we are doing it. It only means that we are disregarding the opinion of the Law Commission. It is the Government of India which has set up the Law Commission. They have invited the opinion of the Law Commission on every aspect of law. The Law Commission have given very valuable suggestions regarding every Act, present or future. I think enlightened public opinion accepts it. It is only the rustic public opinion which does not accept it. The exclusion of lawyers from courts where judicial or a type of judicial proceedings are held, is beyond my imagination. Simply copying from the Bombay Act or the Hyderabad Act, I do not think that is a thing which is helpful. While copying we will have to frame the sections in such a way that they will suit our needs and requirements. Otherwise, we will be no more than copyists. Should we not strike a departure wherever necessary and insert things which seem to be wiser ? With the passage of time, we should also grow wiser.

(SRI ANNA RAO GANAMUKHI)

Then, Sir, I have some doubt about two clauses—clause 27 and clause 40. Clause 27 deals with fraudulent alienations or encumbrances. The wording used is:

"(1) If, in the course of the hearing of an application made under section 4, the Court finds that the debtor has made an alienation of property or creates any encumbrance thereof..."

In clause 40 it is said:

"Notwithstanding any law or contract, but subject to the provisions of section 41 and section 62, no alienation of any property belonging to a debtor who is a party to any proceedings under this Act... "

In clause 27 it is vague. It merely says:

"If in the course of hearing of an application"

After the filing of the application if alienation is made, what should be done? The possibility of transfer during the course of hearing is not ruled out. The wordings are not clear. "During the course of the hearing of the application", it means, hearing stage begins from the stage of framing the issues and it goes on according to the Civil Procedure Code. Should we not be precise? It is so vague and equivocal that it can be interpreted to say during the hearing also when an alienation is made. Bonafide purchase of a property in good faith has been saved here. That is quite natural. But it must be made clear as alienations made before an application is made to the Court. That is not clear from clause 27. If it is clear I would not have raised this question. In clause 31 in the award Government and local authorities—including co-operatives societies—all these have been mentioned. It means that no debt has been extinguished under clause 25. Although the provision is there, all these debts have been kept alive. They survive although they are treated as extinguished under clause 25 sub-clause 5.

(Mr. SPEAKER in the Chair)

Sri H. R. KESHAVAMURTHY.—Is it possible to die and live at the same time? How can the effects of some clause extinguish and survive at the same time?

Sri ANNA RAO GANAMUKHI.—That is my argument. There is a provision for settlement of debts.

Mr. SPEAKER.—Would the Hon'ble Member kindly tell me whether he is dealing with clause 36?

Sri ANNA RAO GANAMUKHI.—I was referring to clause 25 dealing with clause 36.

Mr. SPEAKER.—Are we having the first or the second reading ? I have heard every word of the Hon'ble Member particularly with regard to ladies. There is reasonable rationale behind providing protection to ladies with regard to amounts due to them. If they are doing money lending business, why should they be protected ? The reason was like this. Unlike the gents, they are not able to take recourse to other provisions. Therefore their rights should be protected. The scheme was first to introduce scaling down of debts, but ladies should be protected. That was the protection not only to ladies, but also to males with certain conditions. Certain kinds of debts should be protected. Are we going to attend to everything in this reading at this stage ?. I know that the Hon'ble member wanted to explain and satisfy himself. It was stated that we are copyists. Why should we be copyists ?

Sri ANNA RAO GANAMUKHI.—My remark was that we copy.

Mr. SPEAKER.—Copying was all right. But copyists is not commendable. If the Hon'ble member is making that discrimination, it is all right.

Sri ANNA RAO GANAMUKHI.—I think you would have appreciated what I said.

Mr. SPEAKER.—Wonderfully ! But I wish the Hon'ble Member had stated it much earlier.

Sri ANNA RAO GANAMUKHI.—With that meagre understanding of law I had, I tried to......

Mr. SPEAKER.—Sound commonsense is better than the sense of a lawyer. Sri Patil will object if I say lawyers.

Sri ANNA RAO GANAMUKHI.—Here, Sir, one appeal is provided. But there is no provision for a second appeal.

Mr. SPEAKER.—Is there any amendment to this clause 43 that only one appeal is provided. If the member goes on commenting on every word, even two or three hours will not be sufficient.

Sri ANNA RAO GANAMUKHI.—After the first reading it goes to the Select Committee and if they do not go into the details .....

Mr. SPEAKER.—The remedy is to put the views before the committee. How can the member say that the committee has omitted ?

Sri ANNA RAO GANAMUKHI.—How can we know that the Committee is going into the particular clause ?

Mr. SPEAKER.—If the member thinks that the committee would not have done it, we are losing the benefit of the advice of the committee itself. This is a Joint Select Committee report and the members of the other House are not before this House.

Sri ANNA RAO GANAMUKHI.—With regard to debts payable to the Government or co-operative societies and local authorities, here it is said, they should register their debts. In the case of debts due to Government or co-operative societies or scheduled banks, there should be scaling down not to the extent of other creditors, but to only ten or twenty per cent. That much provision should be made.

5-30 P.M.

Sri V. S. PATIL (Belgaum I).—Sir, I had no intention to take part in this debate. But, when I read this report, it forced me to say a few words on this. For example, you were pleased to explain this new clause 9 in clause 3 regarding the exemption given to woman. Women includes virgin, married lady as well as a widow. So, all the three categories of women are in this word "woman". In the other Act such as the Land Reforms, it is only the widow or the unmarried girl are the only two categories mentioned. I do not know why all categories are included here. This Bill was published in 1961 and it is three years old when some people must have contrived to see that their dues from these debtors are transferred or managed to be entered into the names of their ladies whether it is mother or sister or anybody else. Such a contingency is there. Sir, the creditor is the most intelligent animal in this country. He has deprived these debtor people of their farms and the property and everything. That is the reason why these Acts have been passed in several legislatures. In Bombay, the Act called the Daccan Agriculturists Relief Act was passed more than 100 years back. At that time, the Government have reported that the agriculturists work in the fields because others may rest; he sows so that others may reap it and take it away. That is the conditions of the agriculturists ever since the British Raj came here and in order to give relief to these people such Acts have been passed. For safeguarding the interests of agriculturists such clauses like sub-clause (9) of clause 3 is really harmful. I do not know if such ladies who could do money lending business could be treated as disabled persons; it is very difficult to understand. So, I submit that the Committee has definitely committed some error in thinking and giving scope to ladies and it is against the principles enunciated in our Constitution where equality is given to man and woman alike. Furthermore, the furniture, household utensils and other personal belongings may worth some lakhs of rupees and why a woman or person holding such huge property should be exempted? I do not understand the reason of introducing this particular clause.

Then, Sir, in clause 4, the proviso, there is a lacuna in the drafting itself. Supposing a debtor has applied. Instead of getting scaling down from the adjustment in that court, his application was simply dismissed. Then, is that debtor again entitled to apply under the present Act? This will give rise to numerous litigations in the Bombay and Hyderabad areas. So, the wording is not clear for all matters.

Sri K. PUTTASWAMY.—Reference is made to section 15 and 16 to deal with it. If the debts have not been adjusted, what is the result? A fresh application will lie. So, in order to cover up all these cases of these debtors of that area, they must be excluded.

Sri V. S. PATIL.—That appears to be the real intention, but that is not clear in this sub-clause. It will create trouble and further litigation. So, I submit that Government my think about this clause.

Then, in respect of clause (*b*) it refers to debts extinguished under section 15 of the Bombay Act or 16 of the Hyderabad Act. Here, there is no necessity of going to a court at all. If the persons applied to the court and their debts had not been extinguished, what happens ? That is the point to be considered by Government in the interpretation of this particular Act.

Then, there is one more amendment by this Committee and that is done in clause 11. They have increased the amount from 15,000 to 20,000 rupees. This 20,000 is increased here but corresponding figure which is required to be incorporated in this Act appears to have been not considered. For this purpose I draw the attention of the Hon'ble Minister to clause 17, sub-clause 1 (*b*) where it is said the total amount of debts due from such person on the date of application exceed Rs. 15,000. It must be Rs. 20,000. When you change the wording from Rs. 15,000 to Rs. 20,000 in clause 11, you must change the wording of Rs. 15,000 to 20,000 here also. That is natural. But this particular amendment appears to have been not considered at all either by the draftsman or the committee. This is an obvious mistake and I should like to submit that this mistake should be corrected.

Sri K. PUTTASWAMY.—That 20,000 applies to undivided family.

Sri V. S. PATIL.—Clause 11 says :

> "Application under section 4 or section 8 to be made only in respect of debtor whose debts are not more than Rs. 15,000— No application under section 4 or section 8 shall be entertained by the court on behalf of or in respect of any debtor, unless the total amount of debts due from him on the date of the application is not more than twenty thousand rupees."

In the report of the Select Committee a mention has been made that the debt has been raised from Rs. 15,000 to 20,000. That is an obvious mistake. My submission is in the headlines of clause 11, the word Rs. 15,000 must be replaced by Rs. 20,000. In clause 17, sub-clause (2) the word fifteen thousand should be changed to twenty thousand and similarly in the proviso to this sub-clause. All these mistakes cannot be printers devil but if I may be permitted to say so our members of the committee were not so vigilant about the consequences of changes which they have suggested. A similar thing is there in clause 19. Under sub-clause (*d*) it is said that the total amount of debts due on the debt is not more than Rs. 15,000. Here also it should be changed. So, I submit that these things will have to be corrected either by moving an amendment by the Government or you have to correct under your inherent powers.

I shall now refer to clause 23.—Power of court to declare transfer purporting to be a sale to be in the nature of mortgage. This is practically a repetition of section 24 of the Bombay Act. I have been a lawyer from that area and I know for certain that not one in thousand an applicant got the land back as a mortgagor. Unnecessarily those people

(SRI V. S. PATIL)

were given these hopes by such clauses and those people had to approach the lawyers. Of course, as lawyers we were benefited but not one in thousand got the land. So, there must be some change and I should like to request the Hon'ble Minister that the first part of clause 23, reference to an application made under section 4 for adjustment of debt during the course of enquiry and the second sub-clause relating to agriculture labourer, be kindly looked into. Supposing an agriculturist who holds some piece of land either as a tenant or as a owner, and he is not an agricultural labourer if his other land was transferred in the nature of a mortgage, if he is not a debtor otherwise than this particular transaction, what is the remedy There is no remedy at all. The first sub-clause refers to a date of application on which the debt must be existing and the second refers to a landless person. So a person who is an agriculturist at present owning some land and if his other land has been transferred by way of sale but really a mortgage that person has no remedy. I submit that if the real intention of the Government is to give some relief to such people whose lands have been transferred in the name of sale, then some specific provision must be made. That is the real intention behind this legislation. But by the wording of these clauses the real intention is divided. So, I submit a clarification may be made by amending suitably these two clauses.

MR. SPEAKER.—The word Court here is not the normal court.

SRI V. S. PATIL.—I know it is a separate authority.

MR. SPEAKER.—Therefore what could have been agitated in the normal court, would not come under this.

SRI V. S. PATIL.—My main contention is this Act is meant for agriculturists to get releif from the transfer which were in the nature of mortgages but they were sold in some other way.

MR. SPEAKER.—Supposing a mortgage or conditional sale is to be interpreted and later on decided, normally it will have to go by according to the jurisdiction of the court mentioned here.

SRI V. S. PATIL.—We know that when there is a deed executed then it will attract the terms of that deed.

SRI R. S. HEGDE.—Section 23 is an exception to ordinary reliefs provided in the ordinary courts. This clause makes a special provision by which even sales can be challenged by adducing oral evidence.

SRI V. S. PATIL.—My friend has misunderstood me. I was replying to the Hon'ble Speaker that even if the properties were transferred for more than Rs. 20,000, in the ordinary courts the parties concerned may bring suits and get declaration, etc. But, if the amount of the consideration is less than Rs. 20,000 as enunciated under this Act, if he does not make an application in the prescribed way he has no remedy

at all. His remedy will be barred under that Act. The creditor will say that he has got a special right and that he has to apply within a specified time, but since he has failed to do that, it is barred. It will come in his way. The agriculturist debtors are given some rights under clause 23. Under sub-clause (1) unless there is an existing debt of the agriculturist and unless an application is pending for scaling down that debt' and if it transpires that during the course of inquiry that particular transaction was in the nature of a mortgage, then they can decide that it is not a sale but a mortgage. Supposing there is no debt at all and supposing it is only one transaction ; it is in the nature of a sale but in fact it is a mortgage. Then there is no reemdy. There are some decisions on this point in which we have appeared. What I want to say is that this this lacuna which is there in the Bombay Act should not be continued in this Act also.

There are various other matters. Several members may speak. I do not want to come in their way. But there was some comment about legal practitioners being excluded from appearance under clause 42. Now, we are proceeding towards the goal of socialistic society and we have enacted certain laws to bring about some sort of equality between the various sections of the community. The impression which our leaders who have tried to impose such laws upon us have created is that the pleader class is a most mischief-mongering class in our society because they were not lawyers or if they have passed L.L.B. or B.L. they have never practised. Even if they tried to practice, they had no practice at all. Our big leaders fall in that category and that is why they have got some very adverse opinion about our lawyers. Such an impression was there in their minds and that is why they have tried in all these Acts to exclude the legal practitioners. But they have forgotten that we are governed by a Constitution and the constitutional rights of the people are to be placed before competent authorities not by any layman but only by lawyers. It is impossible for any layman to plead his cause efficiently so far as constitutional rights are concerned and all these Acts have to be tested on the touchstone of our Constitution. That is why I see no reason why the legal practitioners should be totally excluded.

Sri K. PUTTASWAMY.—They are not totally excluded ; they are permitted to appear in cases where their assistance is necessary.

Sri V. S. PATIL.—When these poor debtors come before the courts, we have seen their condition. They cannot utter even a word and they will be completely at the mercy of the creditor. That is the condition which is prevailing still in this part of the country and in order to safeguard the interests of these ignorant people the lawyer must be allowed to represent them. Let the Government appoint, but I do not think the Government is in a position to spend even a single pie on these matters. So, I submit that the Government must consider my suggestions and do the needful in this particular matter.

†Sri G. V. GOWDA (Palya).—Mr. Speaker, Sir, a legislation to provide relief to the suffering ryots, especially suffering from rural indebtedness was needed and now the Government have come forward with this legislation and we have to see how far it is going to provide the relief required by them. This rural in debtedness is becoming a menace in the society and it is on the increase day by day. Even the Rural Credit Survey Report discloses that every year our ryots in the rural parts are made to pay 75 per cent of the capital by way of interest alone and so every effort has got to be made to see that these ryots are relieved of their burden and this is one of the legislations enacted by Government with that object in view. As Sri Anna Rao put it, this is only a temporary measure. Within 3 months from the commencement of this Act, if a debtor or a creditor does not make an application under section 4 or does not take advantage of benefits under section 5 or does not come to a settlement and report the matter to the court under section 8, the existing debt would be extinguished and they would not get the benefits of this legislation. In this connection, we must consider that the creditors would be very alert and would not allow their case to go by default and it is the debtors who would suffer. If this period is made still longer, it would benefit the debtors. Many things could be done besides this. For instance, the creditors themselves can give notice to the debtors.

Mr. SPEAKER.—The bulk of debts are debts which must have been incurred after 1936. From 1936 onwards, there have been laws controlling the rate of interest, indebtedness, scaling down, renewals and so on.

6-00 P.M.

Sri G. V. GOWDA.—We do not find on record that it is renewed. They would have taken a fresh document. Suppose the original document was executed in 1936. In 1958 he would have taken a fresh document and that would not disclose that it was a renewal of the 1936 document.

Mr. SPEAKER.—I do not say that there is no scope for litigation, but the scope of litigation has been reduced.

Sri G. V. GOWDA.—There is scope for litigation even now because the party is required to apply within three months from the commencement of this Act.

Mr. SPEAKER.—While generalising the Members must also take facts into consideration.

Sri G. V. GOWDA.—In 1938 in Madras when the Government introduced this measure, so much relief was given to the debtors who had incurred debts since 1921.

Mr. SPEAKER.—Subsequent liability has been controlled by legislation.

Sri G. V. GOWDA.—Suppose a debtor has paid interest equal to twice the sum of the principal, then the entire debt has got to be extinguished. I do not see such a relief here. In the 1947 Act lot of relief was given to the debtors and that was much more than what is sought to be given now. I do not know what is the object of the present Bill.

Mr. SPEAKER.—It is only to bring about uniformity in the law in the various regions of the State.

Sri G. V. GOWDA.—That is true. If the interest exceeds the principal, then it is stated here that so much of interest as is equal to the principal only shall be taken into account and the debtor is made liable to pay the same. Suppose he has to pay Rs. 2,000 by way of principal and the interest comes to Rs. 2,400, then the only relief that he gets is Rs. 400 and nothing more. I submit some revolutionary relief has to be given. Since he has taken Rs. 2,000 by way of interest, at least 50 per cent of the said interest should have been given as relief to the debtor.

Mr. SPEAKER.—The Hon'ble Member is putting forward an amendment in the shape of an argument.

Out of the 3½ hours allotted for this Bill, I think we have taken 2 hours and 40 minutes and in the remaining time all the amendments have to be considered.

The House will now rise and meet again at 1-00 P.M. tomorrow.

The House adjourned at Five Minutes past Six of the Clock to meet again at One of the Clock on Tuesday the 19th October 1965.